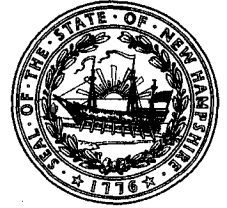




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

November 16, 2005

Norman R. Davis
d/b/a Norman R. Davis Construction
58 Cobb Meadow Road
Dublin, NH 03444

Re: Docket No. AF 05-087 Administrative Fine by Consent Agreement

Dear Mr. Davis:

Enclosed for your records is a copy of the fully executed and accepted Administrative Fine by Consent Agreement in the above-captioned matter.

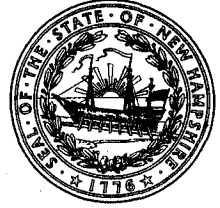
On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,
COPY
Michael P. Sclafani,
Legal Assistant

cc: Michael J. Walls, DES Assistant Commissioner
Harry T. Stewart, P.E., Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit
DES Public Information Officer
Rick Schofield, DES WD



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Norman R. Davis
d/b/a Norman R. Davis Construction
58 Cobb Meadow Rd
Dublin NH 03444

Re: Well Completion Reports

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 05-087

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Water Division, and Norman R. Davis apparently d/b/a Norman R. Davis Construction, pursuant to RSA 482-B:8 and RSA 482-B:16. This Administrative Fine by Consent is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Water Division ("DES") is a duly constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive, Concord, New Hampshire.
2. Norman R. Davis is an individual apparently doing business as Norman R. Davis Construction having a mailing address of 58 Cobb Meadow Road, Dublin, NH 03444.

III. BACKGROUND

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and RSA 482-B:16, the Department of Environmental Services ("DES") has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. RSA 482-B:16, II authorizes the Commissioner of DES to impose administrative fines of up to \$2,000 for each offense for violations of RSA 482-B or of any rule adopted or license issued under that statute. Pursuant to rulemaking authority contained therein, the Commissioner has adopted Env-C 616 to establish the schedule of fines for such violations.
3. Norman R. Davis d/b/a Norman R. Davis Construction is a licensed water well contractor in the state of New Hampshire, holding license No. 548.
4. On July 5, 2005 the Board sent written notice to Mr. Davis to appear before the Board at its

meeting on August 4, 2005 to discuss the submittal of well completion reports.

5. On August 1, 2005 Mr. Davis submitted 14 well completion reports to the Board for wells constructed during the period February 2000 through April 2005. All of the well completion reports submitted were beyond the 90-day filing period.

IV. ALLEGATIONS

1. Norman R. Davis violated RSA 482-B:10 and We 801 by failing to submit 14 well completion reports to the Water Well Board, within 90 days of completion, for the wells constructed during the period February 2000 through April 2005.

V. ADMINISTRATIVE FINES, PAYMENT, WAIVER OF HEARING

1. For the violation identified above, of the 14 reports submitted late, 13 of the reports were submitted more than 100 days after the 90 day reporting period following completion of the well. Env-C 616.02(e) specifies a maximum fine of \$100 per report, or \$1,300.00 for the 13 reports submitted more than 100 days late.

2. For the violation identified above, of the 14 reports submitted late, one of the reports was submitted 4 days after the 90-day reporting period following completion of the well. Env-C 616.02(e) specifies a fine of \$1.00 per day for each calendar day after 90 days following completion of the well, or \$4.00 for this report.

3. The total fine being sought is \$1,304.

4. DES agrees to suspend \$1,304 contingent on no further violations of RSA 482-B:10 and We 801 for a period of two years from the date of execution of this Administrative Fine by Consent.

5. In making its decision DES considered the letter dated July 29, 2005 from Mr. Davis to DES, the wishes of the Board, and no previous history of non-compliance with RSA 482-B and the Water Well Rules by Norman R. Davis.

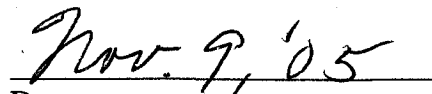
6. If Norman R. Davis violates RSA 482-B:10 and We 801 within two years from the date of this Administrative Fine by Consent, the \$1,304 suspended fine shall be due and payable. If compliance is maintained during the two year period the suspended portion of the fine will be waived.

7. By executing this Administrative Fine by Consent, Mr. Davis waives his right to a hearing on or any appeal of the administrative fines identified in Paragraphs V.1 through V.3, and agrees that this Administrative Fine by Consent may be entered into and enforced by a court of competent jurisdiction.


8. The effective date of this Administrative Fine by Consent will be the date on which it is signed by Norman R. Davis, the Director of the Water Division, and the Commissioner of DES.
9. No failure by DES to enforce any provision of this Administrative Fine by Consent after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this agreement on any further breach or default.

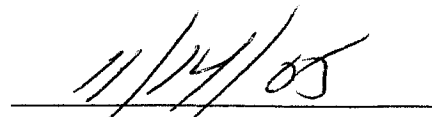
COPY

Norman R. Davis


Date

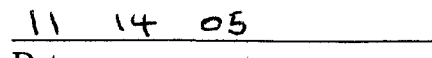
Department of Environmental Services

COPY

Harry T. Stewart, P.E., Director
Water Division


Date

COPY

Michael P. Nolin, Commissioner


Date

cc: Gretchen R. Hamel, Legal Unit Administrator
Public Information Officer, DES PIP Office
Anne Edwards, Esq. – NH DOJ
Jennifer J. Patterson, Esq. – NH DOJ
NH Water Well Board